

**MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD
ON WEDNESDAY, MARCH 17, 2021 AT 5:30 PM - VIRTUAL MEETING HELD BY
VIDEO CONFERENCE VIA GOOGLE MEET**

MAYOR: Louie A. Trujillo

COUNCILORS: Michael Montoya
David Romero
David Ulibarri, Jr.
Elaine Rodriquez - ***Absent***

ALSO PRESENT: William Taylor, City Manager
Casandra Fresquez, City Clerk
Scott Aaron, City Attorney
Adrian Crespín, Sergeant at Arms

CALL TO ORDER

Meeting was called to order at 5:30 p.m.

Councilor Romero stated that Councilor Rodriquez would not be present for the meeting due to illness.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Trujillo called for a moment of silence in recognition of the passing of his dear friend, Steve Jordan and asked God to be with his family and prayers for his wife, children, brothers, sisters and his parents. He advised this had impacted the whole community and had made an executive decision to put out mental health information on the City's website and readerboard. Mayor Trujillo encouraged those going through depression or anxiety issues to utilize this information and to share with people in need.

APPROVAL OF AGENDA

Councilor Romero made a motion to approve the agenda as presented. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael Montoya	Yes	David Ulibarri, Jr.	Yes
David Romero	Yes	Elaine Rodriquez	Absent

City Clerk Fresquez advised the motion carried.

PUBLIC INPUT

City Clerk Casandra Fresquez read public input information received via email from Lee Einer in regards to the Business Item #6, Resolution 21-09.

Mayor Trujillo recognized and welcomed to the meeting, a long time educator and businessman in the community, Mr. Gene Parsons.

MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

None at this time.

COUNCILORS' REPORTS

Councilor Montoya requested from City Clerk Fresquez, copies of Mr. Einer's Public Input to each Councilor. He recommended the Mayor and Council to keep in contact with the schools regarding their opening and advised that they needed to focus on repairing and painting crosswalks in those areas before school began. Councilor Montoya extended an invitation to the Council to a Ruidoso Reservoir tour he would be attending on April 9th at 10:00 a.m. and stated they offer activities to the public and thought they could look into doing something similar here at our reservoir in regards to more economic development.

Councilor Romero informed that he had been in contact with Superintendents from both school districts and also with D.O.T and this would be a group effort regarding repair of crosswalks to be ready for the opening on April 5th. He asked City Manager Taylor, in regards to the recent opening of the scooter business, what ordinances or policies were being used regarding liabilities in the interim?

City Manager Taylor advised he reviewed the MOU agreement with Community Development Director Hendrickson and City Attorney Aaron and it allowed the business to open. He advised he did not have the agreement with him and would further discuss the issue with Councilor Romero at a later date.

Councilor Romero requested the status of the street sweeper and its working condition due to it breaking down often and asked if there was any legal way of addressing that issue. He also asked Human Resource Director Donna Castro if the Code of Ethics had been issued out to City employees for signature.

City Manager Taylor informed that the street sweeper just came out of repair and that it would be used for backup due to the plan of ordering a new street sweeper.

Human Resource Director Castro advised that the Code of Ethics had to be developed and when complete they would gather signatures.

Councilor Romero advised that the City already had a Code of Ethics established.

Ms. Castro stated that she felt that the Code of Ethics needed some modifications before employees would sign and acknowledge that they received it and added that employees should have to sign it every so often, as a reminder.

CITY MANAGER'S REPORT

City Manager Taylor reported current projects taking place as follows:

1. Legislative-Capital Improvement Request (CLV received 3.5 million dollars)
2. Bonding Capacity
3. Upcoming Welcome Back City Event-(Collaborative effort between Highlands University and the City of Las Vegas)
4. 8th Street Extension (CLV & SM County: Jurisdiction, drainage and potholes issues being addressed)
5. City Ordinance Signage Placement (Trucks not allowed in residential areas)

6. Public Works Projects taking place: street sweeper, street lights repair, 311 Responsiveness, Placement of missing street signs.
7. Follow-Up on Business Owners issues: Filming in the City of Las Vegas

Discussion and questions took place regarding Capital Improvements Funding and Mountain View and Legion Drive Truck weight limit signage.

Mayor Trujillo stated he would be planning a Special meeting to discuss future economic development projects that would take place with the Federal funding the City would be receiving in the amount of 3.05 million dollars.

PRESENTATIONS

Ed Toms and Amanda Lopez with engineering firm AECOM gave a detailed presentation on Peterson Dam Replacement Project.

Discussion and questions took place regarding permitting requirements, alternative plan selected, construction cost, timeframe/phases of project, operation of Bradner Dam during construction and acquiring additional dam funding.

Utilities Director Gilvarry advised that the planning & design funding was in the departments' budget for the next four years and if they could expedite the project with additional funding they would expedite the schedule. She clarified that AECOM had been doing business with the City of Las Vegas for about ten years with planning, design and construction of the reservoirs.

FINANCE REPORT

Finance Director Jesus Baquera presented the Finance Report for the month ending February 28, 2021(67% of the year lapsed), reporting the General Fund revenue at 81% and expenditures at 56%, the Enterprise Funds revenue at 65% expenditures at 53% and advised that Recreation Center revenue came in at 59% and expenditures at 53%. Mr. Baquera reported the Lodgers Tax revenue at 195% and expenditures at 27%.

Mr. Baquera reported that because extra monies would be coming in, he would ask council to consider a budget adjustment resolution which would include the

extra monies and looking at the General Fund, advised ½ million dollars would be added to that fund.

Mayor Trujillo asked Mr. Baquera if there was anything of concern in the budget that should be brought to the attention of the Council.

Mr. Baquera advised that there were no concerns regarding the budget.

BUSINESS ITEMS

1. Request approval of Resolution No. 21-08 authorizing the replacement of Peterson Dam.

Utilities Director Maria Gilvarry advised this project would be paid for out of line item 646-0000-650-8736 with City funding and requested capital outlay funding.

Councilor Romero made a motion to approve Resolution No. 21-08 authorizing the replacement of Peterson Dam. Councilor Montoya seconded the motion.

Resolution 21-08 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO

Resolution No. 21-08

A RESOLUTION AUTHORIZING THE REPLACEMENT OF PETERSON DAM

WHEREAS, Peterson Dam is a 50 foot high concrete arch dam originally constructed in 1911 (the “Dam”), which creates the City-owned Peterson reservoir (the “Reservoir”); and

WHEREAS, the Reservoir is the City’s primary storage facility of municipal water; and

WHEREAS, the Office of the State Engineer, Dam Safety Bureau has assessed the Dam’s condition as “fair”; and

WHEREAS, the Reservoir is currently leaking 150 acre feet of water annually from the downstream face, equivalent to one month of City water consumption; and

WHEREAS, overfilling the Reservoir will erode the abutment rock, which will cause instability; and

WHEREAS, a proper spillway must be constructed in order for the Reservoir to function properly; and

WHEREAS, engineering firm AECOM has been tasked with the Peterson Dam Replacement Project; and

WHEREAS, AECOM has completed and submitted the geologic and geotechnical baseline report to the Office of the State Engineer (OSE); and

WHEREAS, AECOM has provided several alternatives to complete the replacement of Peterson Dam.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that the recitals are hereby incorporated herein by reference and the Governing Body approves the replacement of the Peterson Dam.

PASSED, APPROVED AND ADOPTED this _____ day of March, 2021.

Louie A. Trujillo, Mayor

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Michael Montoya	Yes
David Ulibarri, Jr.	Yes	Elaine Rodriquez	Absent

City Clerk Fresquez advised the motion carried.

2. Request approval of one of the four Website redesign options.

Community Development Director Bill Hendrickson advised the Community Development staff was recommending Option 1 because of its professional appearance and it's user friendly. This item was tabled from the previous council

meeting. Multimedia Production Coordinator, Virginia Marrujo presented Option 1 design to the Governing Body.

Councilor Montoya stated he had the opportunity to view the proposed website and made the recommendation of adding photos of the City Manager, City Attorney and all Directors to include names and addresses and made a motion to approve Website redesign option 1 with those recommendations stated.

Councilor Romero agreed with Councilor Montoya and seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri, Jr.	Yes	Michael Montoya	Yes
David Romero	Yes	Elaine Rodriquez	Absent

City Clerk Fresquez advised the motion carried.

Mayor Trujillo recognized and thanked Ms. Marrujo and Bill Hendrickson for the work done on the City's website.

3. Request approval of contract between Mr. Gene Parson and the City of Las Vegas for the purchase of Lot 12-C in the Dee Bibb Industrial Park.

Community Development Director Bill Hendrickson advised the sale price of the property was \$25,000.00 plus the cost of the appraisal and added that Mr. Parson plans to build a storage facility for his landscaping business equipment.

Discussion and questions took place regarding opportunities given to buy the property, cul de sac project funding and property drainage matters.

Mayor Trujillo made the recommendation to discuss the property drainage issues at another time.

Mr. Gene Parson advised he had no questions and thanked the City of Las Vegas for the opportunity to purchase said property.

Councilor Romero advised that it was important for the City to follow through with their responsibilities of adding the cul de sacs and drainage repairs at Dee Bibb Park and made a motion to approve the contract between Mr. Gene Parson and the City of Las Vegas for the purchase of Lot 12-C in the Dee Bibb Industrial Park. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected in the following:

Michael Montoya	Yes	David Romero	Yes
David Ulibarri, Jr.	Yes	Elaine Rodriquez	Absent

City Clerk Fresquez advised the motion carried.

4. Request to publish Ordinance No. 21-04 Amending the Code of the City of Las Vegas Section 200-40 and Section 301-11, entitled "Alternative method of abatement".

Community Development Director Bill Hendrickson advised this ordinance was enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City's home rule powers. He stated it would provide more clarification of the abatement process when dealing with the Courts.

Councilor Romero made a motion to approve to publish Ordinance No. 21-04 Amending the Code of the City of Las Vegas Sections 200-40 and Section 301-11, entitled "Alternative method of abatement". Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Michael Montoya	Yes
David Ulibarri, Jr.	Yes	Elaine Rodriquez	Absent

City Clerk Fresquez advised the motion carried.

5. Request approval to allow Community Development to issue Permits which allow businesses to extend seating capacity by setting up tents and tables onto their adjacent roadway.

Community Development Director Hendrickson advised the permits would be valid until the end of the year. The end of year permit deadline may be extended by majority vote of the Council.

Councilor Ulibarri, Jr. made a motion to approve Community Development to issue Permits which allow businesses to extend seating capacity by setting up tents and tables onto their adjacent roadway.

Lengthy discussion and questions took place regarding permitting and the requirements of business owners pertaining to liabilities.

Councilor Montoya called Point of Order, stating there should be a second motion entertained before having discussion.

Councilor Romero seconded the motion to allow Community Development to issue permits with the conditions that our Attorney, Scott Aaron drafts language that will ensure that these businesses are covered, that the City is relieved of liability on the use of these sidewalks.

Councilor Montoya called Point of Order, stating that Mayor Trujillo should ask the maker of the motion if he would like to amend his motion.

Mayor Trujillo asked Councilor Ulibarri, Jr. if he would like to amend his motion.

Councilor Ulibarri, Jr. stated "Yes".

Councilor Romero seconded the motion, with those conditions.

Councilor Montoya stated that he felt this was unsafe, it was a big liability and it was not fair to businesses who could not benefit from this due to the location of their business or it being an unsafe practice. He advised this was in the ordinance and they should revisit the ordinance, advertise it, publicize it and bring it back for Council's consideration.

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Michael Montoya	No
David Ulibarri, Jr.	Yes	Elaine Rodriquez	Absent

City Clerk Fresquez advised the motion carried.

6. Request approval of Resolution No. 21-09 setting the duration of the Charter Review Commission and other terms and duties as the Governing Body deems advisable.

City Attorney Scott Aaron advised that as per the City of Las Vegas Municipal Charter, Section 1.05A, Charter Review. The Governing Body shall set the duration of the commission and such other terms and duties as the Governing Body deems advisable, not inconsistent with the provisions herein. The Charter Commission Chair and Vice Chair will provide a status report.

Lengthy discussion and questions took place regarding the processes and timelines that the Charter Commission would follow in amending the City's Charter that would include direction and recommendations from Council.

Councilor Romero made a motion to approve Resolution No.21-09 setting the duration of the Charter Review Commision and other terms and duties as the Governing body deems advisable with a change of date to the resolution to reflect September 1, 2021 instead of June 1, 2021 . Councilor Montoya seconded the motion.

Resolution 21-09 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO

Resolution No. 21-09

A RESOLUTION SETTING DURATION OF THE CHARTER REVIEW COMMISSION

WHEREAS, the Governing Body is tasked with setting the duration of the charter review commission and other terms and duties as the Governing Body deems advisable; and

WHEREAS, the charter review commission members have already been appointed and begun meeting; and

WHEREAS, the Governing Body deems this resolution advisable regarding the other terms and duties of the charter review commission.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that the recitals are hereby incorporated herein by reference and the Governing Body hereby sets the duration of the charter review commission, and the term of each commission member, to expire on September 1, 2021. The City Council further instructs the charter review commission to elect a representative from its members to appear before the Governing Body on a monthly basis and report on the progress of the commission, with the purpose of the commission finishing its duties by or before September 1, 2021.

PASSED, APPROVED AND ADOPTED this _____ day of March, 2021.

Louie A. Trujillo, Mayor

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri, Jr.	Yes	Michael Montoya	Yes
David Romero	Yes	Elaine Rodriquez	Absent

City Clerk Fresquez advised the motion carried.

7. Discussion and Selection of a project to be considered for the 2021 Community Development Block Grant (CDBG) application program.

Public Works Manager Daniel Gurule advised there were 4 virtual public meetings held to advise citizens of estimated CDBG funds available, type of project available and to bring recommendations from citizens regarding CDBG and housing needs.

Lengthy discussion and questions took place in regards to needed drainage repairs in the El Creston area and other needed projects in the City such as 8th Street

Extension that would benefit from the CDBG funding. Also discussed was the Hot Springs Blvd. project and previous CDBG grant application process.

Councilor Romero stated that he had supported City wide projects in the past, that he was in support of addressing the drainage issues in his district (El Creston) and asked for the Council's support.

Councilor Romero made a motion to recommend the El Creston project for the CDBG Block Grant funding application.

Councilor Montoya seconded the motion and asked Utilities Director Gilvarry, if this project was approved and what other resources or backup did they have for the Hot Springs Blvd. project?

Utilities Director Gilvarry advised they were reaching out to all options, such as Federal, State and Capital Outlay Funding.

Councilor Romero asked Public Works Manager Gurule, for the record, "we had not applied for this funding until last year, and it has been 5 or 6 years, am I correct?"

Public Works Manager Gurule stated that was correct and the last one was for the addition to the Senior Center.

Further discussion took place in regards to other projects that needed funding due to the City's investment in them, such as the Hot Springs Blvd. project.

Councilor Romero stated that they were all there to fight for their respective areas and asked that if he amended his motion, would he have the assurance that this area would be addressed in our next funding applications.

Councilor Montoya stated that he had his assurance.

Councilor Romero stated to Mayor Trujillo that he was removing his motion for CDBG funding.

Councilor Montoya stated that he removed his second motion and explained that he felt they should get the best deal for their money due to the City being invested in other needed street projects.

Councilor Romero made a motion to select Hot Springs Blvd. to be considered for the 2021 Community Development Block Grant (CDBG) application program. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri, Jr.	Yes	David Romero	Yes
Michael Montoya	Yes	Elaine Rodriquez	Absent

City Clerk Fresquez advised the motion carried.

Councilor Montoya acknowledged Councilor Romero for a good decision made, spending the City's money wisely and also stated that he would keep his word to support the El Creston project.

EXECUTIVE SESSION

Councilor Romero asked City Attorney Scott Aaron if he had the Executive Session Exemptions regarding bargaining contracts.

City Attorney Aaron advised there was an exemption for the session of bargaining strategy, preliminary to collective bargaining negotiations.

Councilor Romero made a motion to enter into Executive Session for discussion as permitted by Section 10-15-1 (H)(7), more specific to Water Litigation between the City of Las Vegas and the Acequias and the other matter will be for 10-15-1 (H)(5), update on the Police bargaining contract and the next item would be for personnel matters, as permitted by Section 10-15-1 (H)(2) of the New Mexico Open Meetings Act, NMSA 1978, more specific to a Community Development Department employee, in concerns of violation of City of Las Vegas Policies.

Councilor Montoya seconded the motion.

Mayor Trujillo asked City Attorney Aaron if the explanation for going into Executive Session was sufficient.

City Attorney Aaron clarified and read Section 10-15-1 (H)(2) in detail.

Council Romero advised that he was amending his motion to remove discussion of personnel matters, Section 10-15-1 (H)(2) and that he would address this matter at a later date.

Councilor Montoya agreed to the amendment.

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael Montoya	Yes	David Romero	Yes
David Ulibarri, Jr.	Yes	Elaine Rodriquez	Absent

City Clerk Fresquez advised the motion carried.

Councilor Romero made a motion to leave Executive Session and enter into Regular Session and stated that only those matters specified in the motion were discussed and no decisions were made. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Michael Montoya	Yes
David Ulibarri, Jr.	Yes	Elaine Rodriquez	Absent

City Clerk Fresquez advised the motion carried.

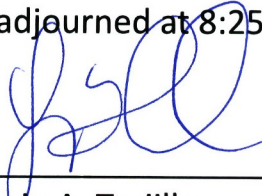
ADJOURN

Councilor Montoya made a motion to adjourn. Councilor Romero seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri, Jr.	Yes	Michael Montoya	Yes
David Romero	Yes	Elaine Rodriquez	Absent

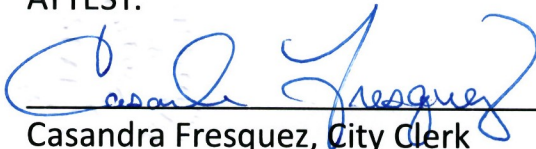
City Clerk Fresquez advised the motion carried.

Meeting adjourned at 8:25 p.m.



Mayor Louie A. Trujillo

ATTEST:



Casandra Fresquez, City Clerk